

May 29, 2025

VIA ECF

The Honorable Sarah J. Netburn
United States Magistrate Judge
U.S. District Court for the Southern District of New York
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, New York 10007

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***In re Terrorist Attacks on Sept. 11, 2001*, Case No. 1:03-md-1570-GBD-SN (S.D.N.Y.):
Sudan's Motion for Leave to Take Discovery of Plaintiffs**

Dear Judge Netburn:

Sudan writes to correct the misstatements of the record in Plaintiffs' opposition letter (ECF No. 10983) to Sudan's letter-motion for leave to take fact discovery of Plaintiffs (ECF No. 10969).

Contrary to Plaintiffs' assertion, the Parties met and conferred at least once on this issue on January 16, 2025. The parties then filed a joint letter in which they briefed their respective positions on the issue. Ltr. 3, 5 (Jan. 24, 2025), ECF No. 10675. As acknowledged in Plaintiffs' opposition letter today, the parties and the Court discussed the issue at the February 4, 2025 status conference. *See, e.g.*, Tr. 11:7-15:11; 23:19-26:3; 32:18-33:8; 34:23-35:6. Plaintiffs' lament that they suffered an "unfair lack of notice" and have been "*gravely disadvantaged*" is therefore patently absurd and unfounded.

Plaintiffs' assertion that Sudan's letter-motion is "vague and imprecise" is also incorrect. Sudan's letter-motion makes clear that it is seeking leave to request any relevant documents in Plaintiffs' possession that Plaintiffs did *not* produce in the other case in these multidistrict litigation proceedings involving Sudan's counsel. And, consistent with the discovery taken by other defendants in this multidistrict litigation, Sudan is seeking leave to serve requests for admission and interrogatories at the appropriate time in accordance with any scheduling order set by the Court, and as prescribed by Rules 33 and 36 of the Federal Rules of Civil Procedure and Local Rule 33.2.

Still more briefing on this issue, as requested by Plaintiffs, is unnecessary and a waste of party and judicial resources. The Parties already briefed this issue in their January 24, 2025 status letter and discussed it at length at the February 4, 2025 status conference. Sudan restated its position on the issue in its May 23 letter-motion and Plaintiffs restated their opposition to Sudan's position in their letter of today. If, however, the Court orders further briefing on the issue, then Sudan requests that any briefing schedule be short.

The Honorable Sarah J. Netburn
May 29, 2025

Respectfully submitted,

/s/ Nicole Erb

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cc: Counsel of Record (via ECF)